

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Plaintiffs,

v.

National Football League and
NFL Properties LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

Civ. Action No. 14-00029-AB

**REQUEST FOR CLARIFICATION OF ORDER TO SHOW CAUSE
REGARDING COURT-APPOINTED EXPERT AND
REQUEST FOR EXTENSION OF TIME TO RESPOND TO ORDER TO SHOW CAUSE
BY CLASS COUNSEL THE LOCKS LAW FIRM**

As Co-Class Counsel in this case and as an interested party to all proceedings, The Locks Law Firm respectfully requests that the Court clarify its Order to Show Cause of August 23, 2017 regarding why William B. Rubinstein should not be appointed by the Court as an expert on the subject of attorney's fees.

The Locks Law Firm also requests an extension of time to respond to the Order to Show Cause. The Locks Law Firm respectfully requests that the Court permit the Locks Law Firm ten

(10) days from the date the Court clarifies the Order to Show Cause to file a response to the modified Order.

The reasons for both requests are as follows:

1. Federal Rule of Evidence 706(b) requires that the Court inform a proposed expert of his duties as a court-appointed expert either in a writing filed with the clerk or at a hearing in which the parties are allowed to participate. Either method will allow the parties to understand the full scope and purpose of the expert's role and responsibilities under the proposed appointment.

2. Under the Court's Order to Show Cause, it is unclear to the Locks Law Firm what role and responsibilities Mr. Rubinstein would have under the proposed appointment.

3. For that reason, the Locks Law Firm respectfully requests that the Court issue a modified Order to Show Cause that sets forth in writing for the parties what role and responsibilities Mr. Rubinstein would have under the proposed appointment.

4. The Locks Law also respectfully requests that the Court grant it, as Class Counsel, an extension of time of ten (10) days from the date the Court issues a modified Order to Show Cause, so that The Locks Law Firm may respond to the modified Order in a meaningful way that includes, but is not limited to:

- a. a review Mr. Rubinstein's qualifications regarding the role and responsibilities for the proposed appointment set forth in the Modified Order to Show Cause;
- b. information and jurisprudence regarding the subject matter of the proposed role and responsibilities;
- c. the names of other possible experts who might fulfill the role and responsibilities identified by the Court; and

- d. the relationship, if any, between and among Mr. Rubinstein and counsel who have submitted applications for attorney's fees.

Respectfully submitted,

/s/ Gene Locks

Gene Locks

David D. Langfitt

LOCKS LAW FIRM

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CERTIFICATE OF SERVICE

I hereby certify that on this date a true and correct copy of the foregoing Request for Clarification and an Extension of Time by Class Counsel the Locks Law Firm was served via the Electronic Filing System to all counsel of record in Case No. 2:12-md-02323-AB, MDL No. 2323.

DATE: August 28, 2017

/s/ Gene Locks

Gene Locks, Class Counsel